AGENDA

BOARD OF COMMISSIONERS REGULAR MEETING 315 WEST SECOND STREET FRANKFORT, KY 40601 502/875-8500 July 23, 2007 5:30 P.M. (EDT)

1. INVOCATION Rev. Glenn Spaulding, Associate Pastor, St. John

AME Church

PLEDGE OF ALLEGIANCE John Hammond

ROLL CALL

MINUTES June 25, 2007 Regular Meeting; July 9, 2007

Work Session; July 12, 2007 Work Session.

MAYOR'S REPORT

2. CEREMONIAL ITEMS

2.1 Background: The Board of Commissioners traditionally recognizes City employees who are retiring within the various City departments. At this meeting, the following individuals will be in attendance

 Fire Department
 Retirement of Kevin Benge, Captain, with eighteen years, nine months service

3. ORDINANCES

3.1 SECOND READING: An Ordinance amending Frankfort Code of Ordinances, Chapter 37, Personnel; City Employees, Section 37.34, Chapter 40, Police Department and Fire Department, Section 40.57, Information Technology Officer, Biweekly rates.

Purpose: To properly align the position of Computer System Administrator under the direction of the Information Technology Department.

Background: This re-alignment will abolish 40.57 of Chapter 40 "Information Technology Officer." This will allow direction for the position of "Computer System Administrator" to be assigned to the Information Technology Department. Lieutenant Tom Columbia recently retired from the Police Department and would be appointed to this new position. He has the necessary security clearance already in place to continue to service the Police Department's needs in the Information Technology area. Additionally, he is uniquely qualified to fill this position due to the Police Department's specific IT needs.

This Ordinance had its first reading on June 25, 2007.

Financial Analysis: Savings of approximately \$21,000 from the FY '06-'07 to the FY '07-'08 Budget.

Recommendation: Approval

Attachment:

Ordinance

Contact Person:

Name: John Morrow Title: Director

Department: Human Resources **Phone:** 502/875-8500

Email: jmorrow@frankfort-ky.gov

3.2 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Article 52 Section 02 Connections; Requirements and Charges.

Purpose: To consider adopting an ordinance amending Frankfort Code of Ordinances Article 52 Section 02 Connections; Requirements and Charges. This ordinance provides for an increase in capacity fees as recommended by Larry T. Williams.

Background: Based upon a recent audit by Mr. Williams, it was determined that our capacity fees need to be increased based upon "System Buy-in Methodology".

The proposed increase is from \$1,071 to \$1,642 plus an existing \$550 cleanout fee to a total capacity fee of \$2,192 for a 5/8 inch water meter. Capacity fees for larger meters are revised accordingly.

Financial Analysis: Adoption of this ordinance will have a positive financial impact due to receipt of fees.

Recommendation: Approval

Attachment:

Ordinance

Contact Person

Name:William R. Scalf, Jr., PESteve DawsonTitle:DirectorDirectorDepartment:SewerFinancePhone:502/875-2448502/875-8500

Email: wscalf@frankfort.ky.gov sdawson@frankfort.ky.gov

3.3 FIRST READING: An ordinance amending Frankfort Code of Ordinances Article 52 Section 04 Charges.

Purpose: To consider an ordinance amending Frankfort Code of Ordinances Article 52 Section 04 Charges. This ordinance provides for a rate increase to fund necessary system improvements.

Background: Based upon ongoing evaluations of the collection system there are numerous improvements to the infrastructure that must be accomplished within the coming years. The proposed rate increase will allow the Sewer Department to address the identified problems.

The increase in rates is proposed as follows:

January 1, 2008 12% January 1, 2010 15% January 1, 2012 15%

Financial Analysis: Adoption of this ordinance will have a positive financial impact due to receipt of fees.

Recommendation: Approval

Attachment:

Ordinance

Contact Person

Name: William R. Scalf, Jr., PE Steve Dawson

Title:DirectorDirectorDepartment:SewerFinancePhone:502/875-2448502/875-8500

Email: wscalf@frankfort.ky.gov sdawson@frankfort.ky.gov

3.4 FIRST READING: An Ordinance amending the City of Frankfort's Code of Ordinances – Chapter 151 – by amending the City of Frankfort's Subdivision and Development Plan Regulations - Ordinance No. 23, 2005 Series and Ordinance No. 3, 2004 Series, being the adopted subdivision and development plan regulations for Frankfort and Franklin County, by amending Section 7.06.07 authorization to begin construction; section 8.01.07 acceptance of improvements and Certificate of Occupancy; Section 8.01.12 improvements retained in private ownership; and Section 8.01.17 issuance of building permits prior to completion of public improvements.

Purpose: To amend the City's Subdivision and Development Plan Regulation ordinance to make the specific sections consistent with the county's regulations and the adopted directive of the Frankfort/Franklin County Planning Commission.

Background: On April 26, 2007, the Frankfort/Franklin County Planning Commission directed both planning staff's to issue temporary certificates of occupancy for structures until the text can be amended. On June 14, 2007, the Frankfort/Franklin County Planning Commission held a public hearing and took testimony concerning the attached ordinance amendments, then closed the public testimony, and unanimously approved the attached text amendment to clarify when building permits and certificate of occupancy's can be issued in relationship to subdivision construction. Both the City and County are recommended to adopt the text amendment so both jurisdictions will contain the exact same language.

Recommendation: Approval

Attachments:

- Ordinance
- Minutes from the June 14, 2007 Planning Commission meeting when available.

Contact Person

Name: Gary Muller Director

Department: Planning and Building Codes

Phone: 502/875-8513

Email: gmuller@frankfort-ky.gov

FIRST READING: An Ordinance to amend the City of Frankfort's Code of Ordinances – Chapter 152 – by amending the City of Frankfort's Zoning Regulations - Ordinance No. 8, 1983 Series, by repealing Article 9 Flood Plain Zone in its entirety and adopting a new Article 9 Flood Damage Prevention in its entirety.

Purpose: To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by repealing Article 9 Flood Plain Zone in its entirety and to adopt a new Article 9 – Flood Damage Prevention ordinance in its entirety. This will also adopt by reference the newly prepared FIRM/FEMA flood maps for properties within the City limits with an effective date of September 28, 2007.

Background: In February 2006, FEMA provided the city and county preliminary copies of their proposed updated FIRM maps. In July of 2006, FEMA and CORPS representatives met with the city and public to go over the proposed revisions. In August 2006, FEMA published the public notice of the proposed changes that initiated a 90 day appeal period. (As you may recall there were areas in north Frankfort and

Holmes Street area that were appealed by the city and FEMA supported the City's position following a certification letter from the CORPS, concerning the north Frankfort flood protection). On November 27, 2006, the appeal period ended, no public citizen appeals were received by the City.

In January 2007, the City was informed that the 1997 floodwall is required to be re-certified by an engineer or the CORPS. After numerous discussions and meetings with both the CORPS and representatives of FEMA, on March 8, 2007, the City received from FEMA formal notice of their requested Letter of Agreement and Provisional Accredited Levee (PAL).

On April 28, 2007 the city received an additional letter from FEMA indicating that the new FIRM maps by FEMA will take effect on September 28, 2007. Furthermore that the city must update its flood ordinances prior to September 28, 2007 in order to remain in good standing with the National Flood Insurance Program.

On May 21, 2007, the City Commission approved the Letter of Agreement and Provisional Accredited Levee (PAL) that indicated the requirement of adopting a new flood damage prevention ordinance by September 28, 2007.

On June 27, 2007, the Zoning Update Committee discussed the proposed new Article 9 – Flood Damage Prevention Ordinance. The committee supports the revised proposed text amendment.

On July 12, 2007, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and voted approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

Attachment:

- Ordinance
- The report submitted to the Planning Commission
- Minutes of the July 14, 2007 Planning Commission meeting (to be provided when complete)

Recommendation: Approval

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: 502/875-8513

Email: gmuller@frankfort-ky.gov

3.6 FIRST READING: An Ordinance amending Ordinance No. 17, 2007 Series appropriating the revenue to be received by the City of Frankfort for the Fiscal Year 2007-2008 to provide for the payment of overtime.

Purpose: The purpose of this item is to consider approval of an ordinance amending the 2007-2008 budget to provide monies for the City of Frankfort to pay overtime.

Background: The 2007-2008 Budget for the City of Frankfort was approved by the City Commission, on June 25, 2007. Since that time, the Kentucky Department of Labor has issued an order providing for the payment of additional overtime. The amount of additional overtime, including taxes and benefits, is approximately \$350,000.00. This Ordinance would amend the 2007-2008 Budget to provide monies to pay the additional overtime.

Financial Analysis: Approximately \$350,000 in additional overtime pay will be paid.

Recommendation: Approval

Attachment:

Ordinance

Contact Person:

Name: Steve Dawson
Title: Director
Department: Finance
Phone: 502/875-8500

Email: sdawson@frankfort-ky.gov

3.7 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Chapter 74, Traffic Schedules; Schedule I, One-Way Streets.

Purpose: To update Chapters 74 of the City's Code of Ordinances to delete references to outdated information.

Background: The City ordinances concerning one-way streets contained information that was outdated. Therefore, Chapter 74 requires revision.

Recommendation: Approval

Attachment:

Ordinance

Contact Persons:

Name:Jeff HackbartRobert C. MooreTitle:DirectorCity Solicitor

Department: Public Works

Phone: 502/875-8500 502/227-2271

Email: jhackbart@frankfort-ky.gov rmoore@hazelcox.com

3.8 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Chapter 75, Traffic Schedules; Schedule III, Unlawful Passing.

Purpose: To update Chapters 75 of the City's Code of Ordinances to delete references to outdated information.

Background: The City ordinances concerning one-way streets and parking schedules contained information that was outdated. Therefore, Chapter 74 and Chapter 75 required revision to delete the references to outdated information.

Recommendation: Approval

Attachment:

Ordinance

Contact Persons:

Name:Jeff HackbartRobert C. MooreTitle:DirectorCity Solicitor

Department: Public Works

Phone: 502/875-8500 502/227-2271

Email: jhackbart@frankfort-ky.gov rmoore@hazelcox.com

3.9 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Chapter 110, General Licensing Provisions, Section 110.04, Net Business Profits.

Purpose: To set forth more specifically the Nexus test that must be satisfied for the City of Frankfort to require individuals or entities to pay the business license fee imposed by Section 110.04 of the Frankfort Code of Ordinances.

Background: The Amendment to include the Nexus test provides clarification for the individuals or entities to pay the Frankfort Business License Fee.

Recommendation: Approval

Attachment:

Ordinance

Contact Person:

Name: Robert C. Moore Title: City Solicitor

Department:

Phone: 502/227-2271

Email: rmoore@hazelcox.com

3.10 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Chapter 110, General Licensing Provisions, Section 110.03(a)(5)(c).

Purpose: To clarify that individuals employed to perform duties entirely outside the City, but who enter the City for the purposes of reporting, receiving instructions, testifying, accounting, etc., only occasionally and incidental to their duties outside the City, shall not be deemed activities for which business license tax or occupational license tax is required to be paid to the City.

Background: This Ordinance clarifies that individuals employed to perform duties entirely outside the City, but who enter the City for the purposes of reporting, receiving instructions, testifying, accounting, etc., only occasionally and incidental to their duties outside the City, shall not be deemed activities for which business license tax or occupational license tax is required to be paid to the City.

Recommendation: Approval

Attachment:

Ordinance

Contact Person:

Name: Robert C. Moore Title: City Solicitor

Department: 502/227-2271

Email: rmoore@hazelcox.com

4. ORDERS

4.1 An Order Authorizing a Management Agreement for Juniper Hill Golf Course.

Purpose: To consider the renewal of the Management Agreement for Juniper Hill Golf Course.

Background: In April 2004, the City entered into an agreement with Kirk Schooley, a PGA Certified Golf Professional, for the operation and maintenance of Juniper Hill Golf Course. The agreement was for one (1) year with a 90-day cancellation upon notice from either party. The compensation and duties are outlined in the attached agreement. In July 2006, the agreement was renewed for one year.

This renewal agreement is for one year. This will ensure that the agreement will stay current preventing possible conflicts with the alcohol licenses. The 90-day cancellation notice will remain.

Financial Analysis: The Pro shall receive an annual salary of \$35,000 commensurate with the City's Salary Schedule and years of service plus benefits (benefits shall not include accrual of vacation, sick, holiday or compensatory leave) and any cost-of-living adjustments accorded other city employees. The Pro shall also receive 10.3 percent of the revenues received for golf cart rentals (up to a maximum of \$16,500 per year) and 35 free memberships to distribute as he sees fit as further part of his remuneration. Funds are available in Account No. 100.70.51000 Personnel Services.

Recommendation: Approval

Attachment:

Order

Management Agreement

Contact Persons

Name:Tony MasseySteve DawsonKirk SchooleyTitle:City ManagerFinance DirectorGolf ProDepartment:City ManagerFinanceGolf

Phone: 502/875-8500 502/875-8559

5. **RESOLUTIONS**

None

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To approve a Contract for Services between the City of Frankfort and Franklin County Humane Society, Inc. (City Solicitor).

Purpose: To enter into a Contract for Services between the City of Frankfort and the Franklin County Humane Society, Inc. for shelter, treatment and care of stray, seized, mistreated or homeless dogs, cats and other such animals from within the City limits of Frankfort for the annual sum of \$44,000, payable in quarterly installments of \$11,000 each.

Background: In previous years, the Franklin County Humane Society has provided services to the City of Frankfort for the shelter, treatment, and care of stray, seized, mistreated or homeless dogs, cats and other such animals found within the city limits of Frankfort. This contract is to formalize this agreement and to pay the Franklin County Humane Society for the services.

Financial Analysis: Annual cost to the City of \$44,000, payable in quarterly installments of \$11,000 each. Funds available in Account No. 100.43.56550.

Recommendation: Approval

Attachment:

Contract

Contact Person:

Name: Rob Moore Title: City Solicitor

Department:

Phone: 502/227-2271

Email: rmoore@hazelcox.com

6.2 To authorize Amendment Number 1 to Engineering Agreement with Otis Engineering, LLC for engineering services associated with the replacement of the Ford Garage Pump Station (Sewer Department).

Purpose: The purpose of this item is to authorize Amendment Number 1 to an Engineering Agreement with Otis Engineering, LLC for engineering services associated with the replacement of the Ford Garage Pump Station. This amendment covers contract administration and construction oversight associated with construction of the Ford Garage Pump Station.

Background: The Sewer Department has a project to replace the Ford Garage Pump Station, located on Crossroads Ford property. The station is old and is a constant maintenance problem. We have an emergency callout at the station several times per month, resulting in overtime pay in addition to the repair costs.

This Agreement is for a lump sum fee of \$13,500. The original design fee was \$18,850 for a total engineering fee of \$32,350.

Financial Analysis: Funds are available in Account No. 450.68.56550

Recommendation: Approval

Attachment:

Amendment #1

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director

Department: Sewer

Phone: 502/875-2448

Email: wscalf@frankfort.ky.gov

6.3 To approve an Agreement with Blue Grass Community Action Partnership, Inc. (BGCA) for public transportation services and authorizing the Mayor to sign the Agreement (Public Works/Transit).

Purpose: To approve an Agreement with Blue Grass Community Action Partnership, Inc. (BGCA) for public transportation services and authorizing the Mayor to sign the Agreement.

Background: The Commonwealth has been divided into eight regions for the purpose of providing public transportation for recipients of Medicaid, Transitional Assistance, Department for the Blind, and Department for Vocational Rehabilitation.

The transportation services are arranged for and managed by a Broker in each region. The Broker, in turn, subcontracts the transportation with available public transportation providers. BGCA is the Broker in Frankfort's region. In order to continue to receive Transit Grants, the City must participate in the State program to provide public transit to these groups.

Recommendation: Approval

Attachment:

Agreement

Contact Person

Name:Betty BurrissJeff HackbartTitle:Transit SuperintendentDirector

Department:Public WorksPublic WorksPhone:502/875-8565502/875-8565

Email: <u>bburriss@frankfort-ky.gov</u> <u>jhackbrt@frankfort-ky.gov</u>

6.4 To authorize a bid award for Health and Safety Training (Sewer Department).

Purpose: The purpose of this item is to approve a bid award to Essential Safety, LLC to provide health and safety training to the Sewer Department personnel. It is critical that the Department stay in compliance with OSHA regulations.

Background: Health and safety issues are critical in the day-to-day operations of the Department and the safety of its employees. The Department personnel must be provided adequate training to maintain a safe working environment and minimize the potential for a safety related incident. Eight firms were contacted, and four firms responded.

Financial Analysis: Funding is available in Account No.300.68.56550 (not to exceed \$10,000).

Recommendation: Approval

Attachments:

Contract

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director

Department: Sewer

Phone: 502-875-2448

Email: wscalf@frankfort-ky.gov

To award a unit price contract for the 2007-2008 Street Resurfacing Project with H.G. Mays, Inc. (Public Works).

Purpose: The purpose of this item is to award a unit price contract for the 2007-2008 Street Resurfacing Project with H.G. Mays, Inc.

Background: On 7/2//07, the City received two bids for the 2007-2008 Street Resurfacing Project as shown on the attached Bid Tabulation sheet. H.G. Mays Inc. was the low bidder in the amount of \$50.75/ton for surface mix. Last year's asphalt surface price was \$48.25/ton.

The Public Works Department hosted a public meeting on 6/27/07 to discuss the 2007-2008 Street Resurfacing List. Anticipated start date for this year's program is in August 2007.

Financial Analysis: This year's program will cost approximately \$249,000. Funds are available in the Municipal Aid Account (Account No. 535.00.51100).

Recommendation: Approval

Attachments:

- 2007-2008 Street Resurfacing List
- Bid Tabulation
- Agreement

Contact Person

Name: Jeff Hackbart
Title: Director

Department: Public Works **Phone:** 502/352-2091

E-mail: jhackbart@frankfort-ky.gov

6.6 To award a contract for structural firefighting protective clothing to Bluegrass Uniforms, Inc. (Fire Department).

Purpose: To award a one year contract for structural firefighting equipment to Bluegrass Uniforms, Inc. of Bowling Green, Kentucky.

Background: On July 6, 2007 two bids were received for replacement and purchase of OSHA/NFPA approved structural firefighting protective clothing. Funds for protective clothing are budgeted each year to maintain a required rotational replacement of this clothing, to purchase some for new hires and to replace clothing damaged beyond repair. Bluegrass Uniforms meets the required specifications and is the low bidder.

The contract is for a one-year period with no more than a 5% annual increase if the contract is extended.

Financial Analysis: Funds are budgeted in Account Nos. 100.41.56550 and 100.42.56550.

Recommendation: Approval

Attachments:

Bid Tabulation

Contract

Contact Person

Name: Wallace Possich

Title: Chief Dept.: Fire

Phone: 502/875-8511

E-Mail: wpossich@frankfort-ky.gov

6.7 To authorize a Service Agreement with Franklin County Health Department for administering of vaccines to employees and authorize the Mayor to execute the agreement (Human Resources).

Purpose: To renew Service Agreement with Franklin County Health Department for administering of vaccines to employees.

Background: Vaccines for Hepatitis A and B, Tetanus-Diphtheria and TB skin tests are provided for those employees required by OSHA Guidelines.

Financial Analysis: Each department has funds budgeted to cover these expenses. Charges are on an as needed basis.

Recommendation: Approval

Attachments:

Service Agreement

Contacts Person

Name : John Morrow Director

Department: Human Resources **Phone:** 502/875-8500

E-Mail: jmorrow@Frankfort-ky.gov

6.8	Personnel Action	Employee	<u>Department</u>	<u>Date</u>	<u>Other</u>
	Retirement	Kevin Benge	Fire	7-31-07	Captain; Authorize payment of all accrued time as of effective date.
		Gregory M. Hosley	Sewer	7-31-07	Field Inspector; Authorize payment of all accrued time as of effective date.
		Greg T. Moore	Fire	7-31-07	EMS Director; Authorize payment of all accrued time as of effective date.
	Resignation	Shawon Hickman	Streets	6-26-07	Tech I; authorize payment of all accrued time as of effective date.
		Donald R. Tyson II	Communications	7-13-07	Telecommunicator; authorize payment of all accrued time as of effective date.
		Mark A. King	Sanitation	7-27-07	Tech III, authorize payment of all accrued time as of effective date.
	Appointment	Rebecca Long	Sewer	7-24-07	Office Assistant

Attachments:

- Retirement letter from Kevin Benge
- Retirement letter from Gregory M. Hosley
- Retirement letter from Greg T. Moore Resignation letter from Donald R. Tyson II
- Resignation letter from Mark A. King

Contact Person

Name: John Morrow Title: Director

Department: **Human Resources** Phone: 502/875-8500

Email: jmorrow@frankfort-ky.gov

- 7. **BOARD APPOINTMENTS**
- 8. **OLD BUSINESS**
- 9. **NEW BUSINESS**
- 10. **CITIZEN COMMENTS**
- 11. **COMMISSIONER COMMENTS**
- 12. **ADJOURNMENT**